

Appl. No. 10/765,031
Amdt. dated September 26, 2007
Reply to Office Action of August 7, 2007

REMARKS

Claims 1, 4-6, and 8-14 are pending in this application. Claims 2, 3 and 7 have previously been canceled. The only issue raised in the Office Action of August 7, 2007, is the need for a supplemental reissue oath/declaration. Therefore, it is believed that the objection to claims 4-6 and 8-14 raised in the Office Action of July 5, 2006 (Claim 1 was allowed in that Office Action) has been withdrawn.

Accordingly, enclosed herewith and made a part of this response is a Supplemental Declaration for Reissue Patent Application by the Assignee.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

By 

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ATTORNEYS FOR APPLICANT(S)

(Docket No. 22970REI)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:)	Docket No. 22970-RE1
SCHMITT, Raymond F., et al.)	Customer No. 23589
S.N. 10/765,031)	Group Art 3671
Filed 1/26/2004)	Examiner Alicia M. Torres
Confirmation No. 1989)	
Reissue of Patent No. 5,433,064)	
Issued: July 18, 1995)	
ROTARY CUTTER BED HARVESTER)	
WITH NON-AUGER CONVEYING)	
MEANS FOR OUTBOARD CUTTERS)	

Mail Stop Reissue
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL DECLARATION FOR REISSUE PATENT APPLICATION
BY THE ASSIGNEE

COMES NOW Garry L. Ball and declares as follows:

1. I am Senior Vice President Engineering of assignee AGCO Corporation and am authorized to act on its behalf. The entire title to U.S. Patent 5,433,064 issued July 18, 1995, and titled "Rotary Cutter Bed Harvester with Non-Auger Conveying Means for Outboard Cutters", which is the subject of this reissue application, is vested in AGCO Corporation as reflected in the Statement Under 37 C.F.R. 3.73(b) submitted with the reissue application as originally filed.

2. The residence, mailing address and citizenship of the inventors are as follows:

Raymond F. Schmitt, U.S. Citizen
613 Plaza Boulevard
Hesston, Kansas 67114

Cecil L. Case (deceased)

Martin E. Pruitt, U.S. Citizen
101 Meadow Lane
Hesston, Kansas 67062

Michael L. O'Halloran, U.S. Citizen
124 South Roupp
Hesston, Kansas 67062

3. I believe the inventors noted above are the original and first inventors of the subject matter which is described and claimed in Patent 5,433,064 and in the present reissue application as amended by all amendments to date, including the Amendment submitted contemporaneously with this Supplemental Declaration.

4. With the help of counsel I have reviewed and understand the contents of the above identified specification, including the claims, as amended by all amendments to date, including the Amendment being contemporaneously submitted herewith.

5. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56.

6. Every error in Patent 5,433,064 which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant.

7. I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

9/27/07

Date

Garry L. Ball

Typed or printed name

Garry L. Ball

Signature

Senior Vice President Engineering

Title